

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of : Group Art Unit: 6450
Ian Richard Anselm Peak
Conf. No.: 6450 :
Appln. No.: 09/771,382 : Allowed: October 1, 2010
Filed: January 25, 2001 : Examiner: Vanessa L. Ford
For: MODIFIED SURFACE ANTIGEN : Attorney Docket No.
} : 8795-24 U1

COMMUNICATION AFTER ALLOWANCE

This application was allowed on October 1, 2010. The issue fee is being paid concurrently herewith.

Applicants filed an Information Disclosure Statement and PTO/SB/08A form on October 3, 2001 with the U.S. Patent and Trademark Office. The PTO/SB/08A form initialed by the Examiner was returned; however, not all of the references were initialed (see attached copy of partially initiated PTO/SB/08A form) Duplicate copies of the Information Disclosure Statement, PTO/SB/08A form and the postcard date stamped by the U.S. Patent and Trademark are also enclosed.

It is respectfully requested that the Examiner acknowledge receipt and consideration of the prior art references not previously considered by initialing and returning the PTO/SB/08A form filed on October 3, 2001.

Respectfully submitted,

December 22, 2010 By: _____
(Date)



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Registration No. 27,363
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Philadelphia, PA 19103-7086
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Facsimile: (215) 965-1331
E-Mail: anadel@panitchlaw.com

ASN/DCM

{00273293;v1}

| | | | |
|---|----|------------------------|---------------------------|
| Form PTO/SB/08A | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Application Number | 09/771,382 |
| | | Filing Date | January 25, 2001 |
| | | First Named Inventor | Ian Richard Anselm Peak |
| | | Group Art Unit | 1614 |
| | | Examiner Name | |
| Sheet | of | Attorney Docket Number | 8795-24 U1 (208795.00024) |

| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|-------------------------|----------|----------------------|---|---|
| Exr Initials | Foreign Patent Document | | | Name of Inventor or Applicant of Cited Document | Date of Publication of Cited Document MM-YYYY |
| | Country Code | Number | Kind Code (if known) | | |
| JK | WO | 99/36544 | A2 | Chiron S.P.A. | 07-1999 |
| | WO | 99/58683 | A2 | SmithKline Beecham Biologicals S.A. | 11-1999 |
| | WO | 00/66791 | A1 | Chiron Corporation AND The Institute for Genomic Research | 11-2000 |
| ↓ | WO | 99/31132 | A1 | The University of Queensland AND Isis Innovation Limited | 06-1999 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | |
|---|---|
| Exr Initials | Include Name of first Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), volume-issue number(s), page(s), date (in parentheses). If a book, also include publisher and city and/or county where published. |
| | BARENKAMP et al., GenPept Database Accession Number AAC43721 (March 21, 1996); |
| | ST GEME et al., GenPept Database Accession Number AAC44560 (October 27, 1999); |
| | FLEISCHMANN et al., PIR Database Accession Number I64138 (October 24, 1997); and |

143518 v1

T₁ - Place a check mark if English language translation is attached.

County Code - se Phila Doc #52886

Kind Code - see Phila Doc # 99754

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THE DATE INDICATED BELOW.

BY: Helene Nadel DATE: October 3, 2001

PATENT
BOX NON-FEE AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|---------------------------------------|---|---------------------|
| In re: | Patent Application of | : | Group Art Unit 1614 |
| | Ian Richard Anselm Peak <i>et al.</i> | : | |
| | | : | |
| Conf. No.: | 6450 | : | |
| | | : | |
| Appln. No.: | 09/771,382 | : | |
| | | : | |
| Filed: | January 25, 2001 | : | Attorney Docket |
| | | : | No. 8795-24 U1 |
| For: | MODIFIED SURFACE ANTIGEN | : | (208795.0026) |

INFORMATION DISCLOSURE STATEMENT

It is requested that the enclosed references listed on the attached Information Disclosure Citation Form PTO/SB/08A or B be considered by the Patent Examiner in connection with the above-identified application and be made of record therein.

The enclosed references were cited in a communication (copy enclosed) from the Australian Patent Office concerning counterpart Australian Application No. PCT/AU01/00069.

Independent consideration and acknowledgment of the enclosed references are respectfully requested.

Respectfully submitted,

IAN RICHARD ANSELM PEAK *ET AL.*

October 3, 2001

(Date)

By: Alan S. Nadel

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Registration No. 27,363

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| | | | |
|---|----|-------------------------------|--------------------------|
| Form PTO/SB#08A | | <i>Complete if Known</i> | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Application Number | 09/771,382 |
| | | Filing Date | January 25, 2001 |
| | | First Named Inventor | Ian Richard Anselm Peak |
| | | Group Art Unit | 1614 |
| | | Examiner Name | |
| Sheet | of | Attorney Docket Number | 8795-24 U1 (208795.0024) |

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

| OTHER NON-ART - NON-PATENT LITERATURE DOCUMENTS | |
|---|---|
| Exr initials | Include Name of first Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), volume-issue number(s), page(s), date (in parentheses). If a book, also include publisher and city and/or county where published. |
| | BARENKAMP et al., GenPept Database Accession Number AAC43721 (March 21, 1996); |
| | ST GEME et al., GenPept Database Accession Number AAC44560 (October 27, 1999); |
| | FLEISCHMANN et al., PIR Database Accession Number I64138 (October 24, 1997); and |

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

143518 v1

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County Code - see Phila Doc #52886

Kind Code - see Phila Doc # 99754



Protein

| PubMed | Nucleotide | Protein | Genome | Structure | PopSet | Taxonomy | OMIM |
|--|---|-------------|-----------|-----------|--------|----------|------|
| Search [Protein] for | | | | | | | |
| Limits | Index | History | Clipboard | | | | |
| Display [Default View] as [HTML] [Saved] [Add to Clipboard] | | | | | | | |
| 1: AAC43721 Hia [Haemophilus influenzae] | | | | | | | |
| LOCUS AAC43721 1098 aa | BCT | 21-MAR-1996 | | | | | |
| DEFINITION Hia. | | | | | | | |
| ACCESSION AAC43721 | | | | | | | |
| PID g1235666 | | | | | | | |
| VERSION AAC43721.1 GI:1235666 | | | | | | | |
| DBSOURCE locus HIU38617 accession U38617.1 | | | | | | | |
| KEYWORDS | | | | | | | |
| SOURCE Haemophilus influenzae. | | | | | | | |
| ORGANISM Haemophilus influenzae. | | | | | | | |
| Bacteria; Proteobacteria; gamma subdivision; Pasteurellaceae; Haemophilus. | | | | | | | |
| REFERENCE 1 (residues 1 to 1098) | | | | | | | |
| AUTHORS Barenkamp,S.J. and St Geme,J.W. 3rd. | | | | | | | |
| TITLE Identification of a second family of high-molecular-weight adhesion proteins expressed by non-typable Haemophilus influenzae | | | | | | | |
| JOURNAL Mol. Microbiol. 19 (6), 1215-1223 (1996) | | | | | | | |
| MEDLINE 96332658 | | | | | | | |
| REFERENCE 2 (residues 1 to 1098) | | | | | | | |
| AUTHORS Barenkamp,S.J. | | | | | | | |
| TITLE Direct Submission | | | | | | | |
| JOURNAL Submitted (16-OCT-1995) Stephen J. Barenkamp, Pediatrics, St. Louis University School of Medicine, 1465 South Grand Boulevard, St. Louis, MO 63104-1095, USA | | | | | | | |
| FEATURES Location/Qualifiers | | | | | | | |
| source 1..1098 | | | | | | | |
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| 181 tiggaaagaat tttppkvnts tttdglkfakd aagangdttv hlnigisttdl dtlvgsph | | | | | | | |
| 241 idggdqstthy traasikdvl naqgnvkgv agsttqsgen vdfvhyydtv effsladtett | | | | | | | |
| 301 tvtdvskeng krtevkgikat tsviskekdqk ltfgkanket nkvdganate dadekgkvlt | | | | | | | |
| 361 akdvidavnk tgrwtkittda ngqngdfatv asgtntvtfat gngtattvtn gtgditvkyd | | | | | | | |
| 421 akvgdgkld gdkiaadttt ltvndgknan npkgkvadva stdekkltva kgtltaalns | | | | | | | |
| 481 svtttaaeed ggtdgdnase qevkagdkvt fkagknkvq qeganftyel qdalgltsi | | | | | | | |
| 541 tlgtnngnak teinkdgti tpangagank antisvckdg isaggqvkn vvgllkkfgd | | | | | | | |
| 601 anfdpltsssa dnltkqddda ykgltndldek gtdkgtpvva dntaatvqgdl rglgwisad | | | | | | | |
| 661 ktggstteyh dqrnranevk fksgnginva gktvngrrrei tefelakgevv kseneftvet | | | | | | | |
| 721 ngketslsvk gdkysskedi dltpqgpk lk dngtvaakyq dkggkvvpsrt dntteatitnk | | | | | | | |
| 781 gsgyvtgnqy adaiaksqfe lgtadeadak tlffddkttkal sagteivna hdkvfrangl | | | | | | | |
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| 961 sldpndqskg kgvvidnra gdisatstda insqglyava kgvtlnlagqv nnlegkvnkv | | | | | | | |
| 1021 gkradagtas alaasqlpqg tmpgkasmvai agssyqgqng laigvrsisd ngkviirlsq | | | | | | | |
| 1081 tttsqgkgtgv aagvgvqy | | | | | | | |

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| PubMed | Nucleotide | Protein | Genome | Structure | PopSet | Taxonomy | OMIM |
|--|------------|-----------|--------|------------------|-----------------------------------|--------------------------------------|------|
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| | | Limits | Index | History | Clipboard | | |
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| 1: AAC44560 hsf [Haemophilus influenzae] | | | | | | | |

LOCUS AAC44560 2353 aa **BCT** 27-OCT-1999
DEFINITION hsf [Haemophilus influenzae].
ACCESSION AAC44560
PID g1666683
VERSION AAC44560.1 GI:1666683
DBSOURCE locus U41852 accession [U41852.1](#)
KEYWORDS
SOURCE Haemophilus influenzae.
ORGANISM Haemophilus influenzae.
Bacteria; Proteobacteria; gamma subdivision; Pasteurellaceae;
Haemophilus.
REFERENCE 1 (residues 1 to 2353)
AUTHORS St Geme, J.W. 3rd, Cutter, D. and Barenkamp, S.J.
TITLE Characterization of the genetic locus encoding Haemophilus influenzae type b surface fibrils
JOURNAL J. Bacteriol. 178 (21), 6281-6287 (1996)
MEDLINE 97047989
REFERENCE 2 (residues 1 to 2353)
AUTHORS St. Geme, J.W. III, Cutter, D. and Barenkamp, S.J.
TITLE Direct Submission
JOURNAL Submitted (05-DEC-1995) Joseph St. Geme III, Departments of Pediatrics and Molecular Microbiology, 660 South Euclid Ave., Box 8230, St. Louis, MO 63110, USA
COMMENT Method: conceptual translation.
FEATURES
source Location/Qualifiers
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/strain="C54"
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Protein 1..2353
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CDS 1..2353
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121 tnassftysl kldltstv ateklsfgar gdkvdtisda ngklaktgn gnvhnglds
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2281 agtasalaas qlpqatmpgk smvaiagssy qqgqnglaigv srisdngkvi ırıslgtnsq
2341 gktgvaagvg yqw

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| Search | | Protein | PopSel | Taxonomy | OMIM |
|------------|--|--|---|-------------|------------------|
| Display | | Default View | HTML | Save | Add to clipboard |
| 1: | I64138 | adhesin homolog HI1732 - Haemophilus influenzae (strain Rd KW20) | BLink, PubMed, Related Sequences, Taxonomy, LinkOut | | |
| LOCUS | I64138 | 298 aa | BCT | 24-OCT-1997 | |
| DEFINITION | adhesin homolog HI1732 - Haemophilus influenzae (strain Rd KW20). | | | | |
| ACCESSION | I64138 | | | | |
| PID | g1073822 | | | | |
| VERSION | I64138 | GI:1073822 | | | |
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| KEYWORDS | | | | | |
| SOURCE | Haemophilus influenzae. | | | | |
| ORGANISM | Haemophilus influenzae | | | | |
| BACTERIA | Bacteria; Proteobacteria; gamma subdivision; Pasteurellaceae; | | | | |
| REFERENCE | Haemophilus. | | | | |
| AUTHORS | I (residues 1 to 298) Fleischmann, R.D., Adams, M.D., White, O., Clayton, R.A., Kirkness, E.F., Kerlavage, A.R., Bult, C.J., Tomb, J.F., Dougherty, B.A., Merrick, J.M., McKenney, K., Sutton, G., FitzHugh, W., Fields, C., Gocayne, J.D., Scott, J., Shirley, R., Liu, L.I., Glodek, A., Kelley, J.M., Weidman, J.F., Phillips, C.A., Spriggs, T., Hедблом, E., Cotton, M.D., Utterback, T.R., Hanna, M.C., Nguyen, D.T., Saudek, D.M., Brandon, R.C., Fine, L.D., Fritchman, J.L., Fuhrmann, J.L., Geoghegan, N.S.M., Gnehm, C.L., McDonald, L.A., Small, K.V., Fraser, C.M., Smith, H.O. and Venter, J.C. | | | | |
| TITLE | Whole-genome random sequencing and assembly of Haemophilus influenzae Rd | | | | |
| JOURNAL | Science 269 (5223), 496-512 (1995) | | | | |
| MEDLINE | 95350630 | | | | |
| FEATURES | Location/Qualifiers | | | | |
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| Protein | 1..298 /product="adhesin homolog HI1732" | | | | |
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 EXPRESS MAIL # CERT OF MAIL/CERT OF SERVICE
 PAT APP/PATENT/REEXAMINTR# 09/711,382 - 1/25/01
 OF Sanjiv Richard Anselm Peale et al.
 FOR: Modified Surface Antigen
 RECEIPT IS ACKNOWLEDGED BY THE USPTO FOR THE FOLLOWING:

| | |
|--|--|
| <input type="checkbox"/> PAT AP (PROV/NON-PROVIDES/REISSUE) | <input type="checkbox"/> CPA REQUEST |
| <input type="checkbox"/> DECL & POW (EXECUTED/UNEXECUTED) | <input type="checkbox"/> AMEND/REQ RECONS/ RESTR. REQ. RESPONSE |
| <input type="checkbox"/> PAGES TOTAL TEXT | <input type="checkbox"/> RESPONSE TO MISSING PARTS |
| <input type="checkbox"/> TOTAL # CLAIMS | <input checked="" type="checkbox"/> INF.DISC.STMT: PTO-1449 & 7 REFS |
| <input type="checkbox"/> SHEETS DRAWING (FORMAL/INFORMAL) | <input type="checkbox"/> PET.EXT.TIME ____ MONTHS |
| <input type="checkbox"/> SEQUENCE LISTING (PAPER COPY/DISK) | <input type="checkbox"/> ASSIGN/CHG NAME/MERGER/SEC. INT |
| <input type="checkbox"/> COMPUTER CODE | <input type="checkbox"/> PTO-1595 FORM |
| <input type="checkbox"/> PRELIMINARY AMENDMENT | <input type="checkbox"/> VERF.STATE. - SMALL ENTITY |
| <input type="checkbox"/> PRIORITY DOC. | <input type="checkbox"/> NOTICE APPEAL/APPEAL BRIEF/(3 COPIES) |
| COUNTRY _____ NO. <i>OCT 10 2001</i> | <input type="checkbox"/> SUPPL. DECL. |
| <input type="checkbox"/> TRANSMITTAL LTR (US/P) <i>PATENT & TRADEMARK OFFICE</i> | <input type="checkbox"/> FEE AUTH (FINAL/MAINT/DISCLAIMER) |
| <input type="checkbox"/> REV/APPT OF ATTORNEY | <input type="checkbox"/> REQUEST (STATUS/CERTIF CORR/COR FILING RT/REFUND) |

TOTAL FEES AUTH CHARGE DEP ACCT. # 50-1017 \$ _____
 OTHER (PAPER TITLE) _____